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**From:** Messier, Dawn [Messier.Dawn@epa.gov]  
**Sent:** 5/1/2018 8:04:44 PM  
**To:** Kupchan, Simma [Kupchan.Simma@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]  
**CC:** Wade, Alexis [Wade.Alexis@epa.gov]  
**Subject:** RE: 404 guidelines question

Quick Q

**Ex. 5 Attorney Client (AC)**

# Ex. 5 Attorney Client (AC)

Thanks Simma!

Dawn M. Messier  
Office of General Counsel  
Water Law Office  
202-564-5517

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**From:** Kupchan, Simma  
**Sent:** Tuesday, May 01, 2018 2:28 PM  
**To:** Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Cc:** Wade, Alexis <Wade.Alexis@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>  
**Subject:** Re: 404 guidelines question

Hi! Now back online. Makes sense to me as a matter of statutory interpretation. Or, to add to Carrie's questions, maybe Phil has examples of when we interpreted it that way?

I actually started making edits to the MOA on a separate document because I wanted to preserve your version as a backup, as I deleted a paragraph or two that I thought we might not need. I will send you that version in ten minutes or so.

Simma

On May 1, 2018, at 2:15 PM, Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)> wrote:

That would make sense and be helpful – is there any preamble or other interpretive guide that confirms this reading?

Caroline (Carrie) Wehling  
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[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

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**From:** Wade, Alexis

**Sent:** Tuesday, May 01, 2018 2:07 PM

**To:** Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Cc:** Messier, Dawn <[Messier.Dawn@epa.gov](mailto:Messier.Dawn@epa.gov)>

**Subject:** 404 guidelines question

# Ex. 5 Attorney Client (AC)

Thanks,  
Alexis

Alexis Wade  
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